

CHAPTER NO. 851**SENATE BILL NO. 3297****By Haynes****Substituted for: House Bill No. 3317****By Mike Turner, Lois DeBerry, Henri Brooks, Cooper, Moore, Sontany, Pruitt**

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 54, Part 5, relative to inspections of residential rental property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 5, is amended by adding the following language as a new section:

Section 6-54-511.

(a) (1) If any residential rental property has three (3) code violations cited on three (3) separate dates within a six-month period, the municipal agency or department that is responsible for enforcement of building codes is authorized to conduct an in-home inspection of such property, regardless of whether the landlord or a tenant is in possession of such property.

(2) Provided, the municipal agency or department that is responsible for enforcement of building codes may enter the dwelling unit only:

(A) With the consent of the tenant in possession;

(B) With a validly issued search warrant; or

(C) In the event of an emergency presenting an immediate threat to the health, safety, and welfare of the tenant in possession.

Such entry shall comply in all respects with the Fourth Amendment to the Constitution of the United States as well as Article I, Section 7, of the Constitution of Tennessee. Such entry shall be made in such manner as to cause the least possible inconvenience to the tenant in possession.

(b) This section shall apply to any county having a metropolitan form of government and a population in excess of five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census and to any county having a population in excess of eight hundred thousand (800,000) according to the 2000 federal census or any subsequent federal census.

(c) This section shall apply to any municipality having a population of not less than thirteen thousand seven hundred (13,700) nor more than thirteen thousand eight hundred (13,800) and to any municipality having a population of not less than twenty-


seven thousand two hundred (27,200) nor more than twenty-seven thousand four hundred (27,400).

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 17, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 2nd day of June 2006


PHIL BREDESEN, GOVERNOR